

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1, 2, 4-12, 14, 15, and 17-36 will be pending. By this amendment, claims 1, 12, 31, 35, and 36 have been amended. No new matter has been added.

§112 Rejection of Claims 1-2, 4-12, 14-15, and 17-36

In Section 3 of the Office Action, claims 1-2, 4-12, 14-15, 17-36 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite. Independent claims 1, 12, 31, and 35-36 have been amended.

In Section 4 of the Office Action, claims 1, 12, 31, and 35-36 stand rejected for insufficient antecedent basis. Independent claims 1, 12, 31, and 35-36 have been amended.

Accordingly, it is submitted that the rejection of claims 1-2, 4-12, 14-15, 17-36 based upon 35 U.S.C. §112, second paragraph has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 1-2, 4-12, 14-15, 17-21, 23-27, 31-33, and 35-36

In Section 6 of the Office Action, claims 1-2, 4-12, 14-15, 17-21, 23-27, 31-33, and 35-36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lumera *et al.* (U.S. Patent Application No. 2004/0093377; hereinafter referred to as "Lumera") in view of Fenton *et al.* (U.S. Patent Application No. 2002/0194,195; hereinafter referred to as "Fenton") and further in view of Lai *et al.* (U.S. Patent Application No. 2004/0032348; hereinafter referred to as "Lai").

In the Background section of the Specification, it was disclosed that “[t]he emergence of a growing number of media players has created a widening gap between the richness of the various types of media content and the diverse capabilities of the client devices to handle the content. As a result, the technology selection process for the end user has become quite complicated. For example, the user often cannot be certain that a given media player will be able to play the type of media content in which he or she is interested. Also, the user may be required to frequently download new media playing software in order to access desired content.”

Background of the Specification, page 2, lines 8-14.

To address the above-stated problem, embodiments of the present invention provide content management systems, methods, and programs for media publishing. For example, the structure of system claim 1 includes:

a plurality of content management tools for managing media contents during a publication process, said plurality of content management tools providing transcoding to convert a format of a selected media item to a specific target format of a media slot corresponding to said selected media item;

a publishing pipeline configured to operate in concert with said plurality of content management tools during the publication process to control development, distribution, and access of the media contents,

wherein said publishing pipeline provides a plurality of environments for staged and organized development and publication of the media contents; and

a producer configured to generate and edit templates of media items and associated data when the plurality of environments is in a development/production environment,

wherein each template of said templates includes a number of media slots, and each media slot defines a genre of media and a specific target format that is accepted by said each media slot, and

wherein the format of said selected media item does not need to match said specific target format of said media slot corresponding to said selected media item because said transcoding by said plurality of content management tools provides the conversion of the selected media item format to said specific target format.

(emphasis added)

Accordingly, in one aspect of claim 1, the content management system includes a plurality of content management tools providing transcoding to convert a format of a selected media item to a specific target format of a media slot corresponding to the selected media item; a publishing pipeline; and a producer configured to generate and edit templates of media items and associated data when the plurality of environments is in a development/production environment. Each template includes a number of media slots, and each media slot defines a genre of media and a specific target format that is accepted by each media slot. Further, the format of the selected media item does not need to match the specific target format of the media slot corresponding to the selected media item because the transcoding by the plurality of content management tools provides the conversion of the selected media item format to the specific target format. See *Specification, page 5, lines 22-24.*

By contrast, Lumera fails to teach or suggest providing transcoding to convert the format of a selected media item to a specific target format of a media slot corresponding to the selected media item such that the format of the selected media item does not need to match the specific target format of the media slot corresponding to the selected media item. Although Fenton appears to address slots in a template, Fenton fails to teach or suggest providing transcoding to convert the format of a selected media item to a specific target format of a media slot corresponding to the selected media item such that the format of the selected media item does not need to match the specific target format of the media slot corresponding to the selected media

item.

Further, §706.02(j) of MPEP states that “[t]o establish a *prima facie* case of obviousness, ... [t]he teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant’s disclosure.”

However, it appears the teaching or suggestion to make the claimed combination of a content management system (including a plurality of content management tools; a publishing pipeline; and a producer configured to generate and edit templates of media items and associated data when the plurality of environments is in a development/production environment) with a transcoder (that converts a format of a selected media item to a specific target format of a media slot corresponding to the selected media item) is based on the hindsight of the applicant’s disclosure. Neither Lumera nor Fenton teach or suggest providing transcoding to convert the format of a selected media item to a specific target format of a media slot corresponding to the selected media item such that the format of the selected media item does not need to match the specific target format of the media slot corresponding to the selected media item. Thus, it appears the Office Action combines Lumera and Fenton with Lai based on applicant’s disclosure, which combines a content management system (including a plurality of content management tools; a publishing pipeline; and a producer configured to generate and edit templates of media items and associated data when the plurality of environments is in a development/production environment) with transcoding (to convert a format of a selected media item to a specific target format of a media slot corresponding to the selected media item) to address the shortcomings of the conventional media content management system mentioned in the Background section.

Based on the foregoing discussion, claim 1 should be allowable over Lumera, Fenton,

and Lai. Further, since independent claims 12, 31, 35, and 36 closely parallel, and recite substantially similar limitations as recited in, claim 1, claims 12, 31, 35, and 36 should also be allowable over Lumera, Fenton, and Lai. Since claims 2, 4-11, 14, 15, 17-21, 23-27, 32-33 depend from one of claims 1, 12, and 31, claims 2, 4-11, 14, 15, 17-21, 23-27, 32-33 should also be allowable over Lumera, Fenton, and Lai.

Accordingly, it is submitted that the rejection of claims 1-2, 4-12, 14-15, 17-21, 23-27, 31-33, and 35-36 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claim 22

In Section 7 of the Office Action, claim 22 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Lumera in view of Fenton and further in view of Higgins (U.S. Patent No. 5,270,922).

Based on the foregoing discussion regarding claim 12, and since claim 22 depends from claim 12, claim 22 should be allowable over Lumera and Fenton (and Lai). Further, it was stated in Section 4 of the Office Action that Higgins teaches a system for distributing, processing, and displaying financial information. Thus, Lumera, Fenton, and Higgins, individually or in combination, fail to teach or suggest providing transcoding to convert the format of a selected media item to a specific target format of a media slot corresponding to the selected media item such that the format of the selected media item does not need to match the specific target format of the media slot corresponding to the selected media item. Therefore, Lumera, Fenton, and Higgins fail to teach or suggest all the limitations of claim 22.

Accordingly, it is submitted that the rejection of claim 22 based upon 35 U.S.C. §103(a)

has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 28-29 and 34

In Section 8 of the Office Action, claims 28-29 and 34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lumera in view of Fenton and further in view of Tabbara *et al.* (U.S. Patent No. 6,460,043; hereinafter referred to as "Tabbara").

Based on the foregoing discussion regarding claims 12 and 31, and since claims 28-29 and 34 depend from claims 12 and 31, respectively, claims 28-29 and 34 should be allowable over Lumera and Fenton (and Lai). Further, it was stated in Section 5 of the Office Action that Tabbara teaches method and apparatus for operating on data with a conceptual data manipulation language. Thus, Lumera, Fenton, and Tabbara, individually or in combination, fail to teach or suggest providing transcoding to convert the format of a selected media item to a specific target format of a media slot corresponding to the selected media item such that the format of the selected media item does not need to match the specific target format of the media slot corresponding to the selected media item. Therefore, Lumera, Fenton, and Tabbara fail to teach or suggest all the limitations of claim 28-29 and 34.

Accordingly, it is submitted that the rejection of claims 28-29 and 34 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claim 30

In Section 9 of the Office Action, claim 30 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Lumera in view of Fenton, and further in view of Love *et al.* (U.S. Patent Application No. 2004/0215725).

Based on the foregoing discussion regarding claim 12, and since claim 30 depends from claim 12, claim 30 should be allowable over Lumera and Fenton (and Lai). Further, it was stated in Section 6 of the Office Action that Love teaches system and method for multi-platform queue queries. Thus, Lumera, Fenton, and Love, individually or in combination, fail to teach or suggest providing transcoding to convert the format of a selected media item to a specific target format of a media slot corresponding to the selected media item such that the format of the selected media item does not need to match the specific target format of the media slot corresponding to the selected media item. Therefore, Lumera, Fenton, and Love fail to teach or suggest all the limitations of claim 30.

Accordingly, it is submitted that the rejection of claim 30 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

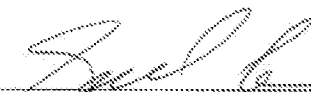
Conclusion

In view of the foregoing, applicants respectfully request reconsideration of claims 1, 2, 4-12, 14, 15, and 17-36 in view of the remarks and submit that all pending claims are presently in condition for allowance.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

Respectfully submitted,
Procopio, Cory, Hargreaves & Savitch

Dated: 7-12-06

By: 
Samuel S. Lee
Reg. No. 42,791

Procopio, Cory, Hargreaves & Savitch LLP
530 B Street, Suite 2100
San Diego, California 92101-4469
(619) 238-1900